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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,072	03/01/2004	Michael W. Peterson	306288	2973

33042 7590 03/30/2005  
LEYDIG, VOIT & MAYER, LTD.  
(SEATTLE OFFICE)  
TWO PRUDENTIAL PLAZA  
SUITE 4900  
CHICAGO, IL 60601-6780

EXAMINER

SALDANO, LISA M

ART UNIT PAPER NUMBER

3673

DATE MAILED: 03/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/791,072

Applicant(s)

PETERSON ET AL.

Examiner

Lisa M. Saldano

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 1/17/2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 31 and 32 is/are allowed.
- 6) ☒ Claim(s) 1-7, 11-18, 22-26 and 28-30 is/are rejected.
- 7) ☒ Claim(s) 8-10, 19-21 and 27 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/24/05
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7, 11, 13-18, 22, 24-26 and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fisher-Cohen et al (6,141,805) in view of Wilson and Co. Inc. (GB-115,369).

Regarding claims 1 and 14, Fisher-Cohen et al disclose a resting mat system comprising an elongate flexible material 6 forming a loop connected to a sleeping or resting surface 5, a cord 8 connected to the sleeping surface, a clasp or clip 7 attached to the cord (see Figs. 2&3). The loop, cord and clasp are configured such that when the sleeping surface is rolled, the elongate material is capable of being wrapped around a sleeping bag as claimed by the applicant in claim 1. Pulling on the clasp relative to the loop prior to attaching the clasp to the portion of the cord is capable of tightening the roll of the sleeping bag. Fisher-Cohen disclose that the sleeping surface comprises a blanket 2 for use with the resting surface.

Furthermore, specifically regarding claim 14, once the resting mat is rolled the invention is capable of operation such that pulling on the cord relative to the loop pulls at the connection points of the cord and loop thereby tightening the roll of the sleeping bag.

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Regarding claims 2-4, Fisher-Cohen discloses that the elongate flexible material 6 is directly connected to and a foot of the sleeping bag (see Fig.3).

Regarding claims 5 and 6, Fisher-Cohen's resting system is configured such that when folded lengthwise, the bottom half as well as the top half is directly connected to the elongate flexible material.

Regarding claims 7, 11, 15-18 and 22, Fisher-Cohen disclose a clasp 7 that comprises an opening capable of hooking onto a portion of cord that extends against the outer surface of a sleeping bag. The clasp is configured to fit the hand of a user.

Regarding claim 24-26 and 28-30, Fisher-Cohen discloses a configuration in Fig.2 that permits the cord 8 to be attached to itself by virtue of the cord material being elastic (see column 2, lines 25-30).

Regarding claim 13, Fisher-Cohen illustrates that the elongate flexible material forms a loop connected to outer portions of the sleeping bag.

However, Fisher-Cohen fails to explicitly disclose that the resting surface is a sleeping bag.

Wilson and Co. Inc. disclose improvements to mattresses and sleeping bags comprising a mattress 5,6 and a top 12 that functions as a covering 12 that functions as a blanket (see Fig.1). Wilson and Co. Inc. disclose that the blanket or covering 12 may be secured to the mattress via ties 18 (see Fig.1).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Fisher-Cohen to incorporate the blanket connection to a mattress thereby forming a sleeping bag, as taught by Wilson and Co. Inc. because securing the blanket to

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the mattress forms a more secure environment for the resting system user and also assists to keep portions of the user completely covered from the elements at all time so far as the blanket and mattress remain fastened to one another thereby forming a bag arrangement.

3. Claims 12 and 23 rejected under 35 U.S.C. 103(a) as being unpatentable over Fisher-Cohen et al and Wilson and Co. as applied to claims 11 and 22 above, and further in view of Hinds (2,368,220).

Fisher-Cohen et al and Wilson and Co. Inc. disclose the inventions as described above.

However, Fisher-Cohen et al and Wilson and Co. Inc. fail to disclose that the clasp has a narrowed and a thickened portion.

Hinds discloses a sleeping bag cinched by way of a cord 34, ring 35 and fastener 36.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Fisher-Cohen et al to comprise the fasteners 36 which also functions as a clasp but has a narrowed and a thickened part with an opening. Both the Fisher-Cohen et al and Hinds inventions are directed to sleeping apparatus with devices to maintain the sleeping apparatus in a rolled and closed position. Hinds merely discloses a variation of the different types of clasps that may be used to keep a sleeping device in a closed position.

*Allowable Subject Matter*

4. Claim 8-10, 19-21 and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. Claims 31 and 32 would be allowable over the prior art of record.

*Conclusion*

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa M. Saldano whose telephone number is 703-605-1167. The examiner can normally be reached on Monday-Friday, 8:30am-5:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather C. Shackelford can be reached on 703-308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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